

Message Text

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INFO AMEMBASSY LONDON

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CAPETOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: UN, PFOR, WA

SUBJ: SC: NAMIBIA

REF: USUN 5944

FOLLOWING IS TEXT OF DRAFT RESOLUTION PREPARED BY
NIGERIAN MISSION, WHICH WILL BE DISCUSSED BY AFRICAN GROUP
MID-DAY DEC 12:

DRAFT RESOLUTION ON NAMIBIA
FOR CONSIDERATION OF THE SECURITY COUNCIL

RECALLING GENERAL ASSEMBLY RESOLUTION 2145 (XXI) OF 27 OCT
1966 WHICH TERMINATED THE MANDATE OF SOUTH AFRICA OVER THE
TERRITORY OF NAMIBIA (FORMERLY SOUTH WEST AFRICA) AND
VESTED THE UNITED NATIONS WITH THE DIRECT RESPONSIBILITY FOR
THE TERRITORY UNTIL ITS PEOPLE ATTAIN SELF-GOVERNMENT AND
INDEPENDENCE,
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REAFFIRMING ITS RESOLUTION 301 (1971) AND THE GENERAL ASSEMBLY
RESOLUTION 3031 (XXVII), WHICH RECOGNIZE THE NATIONAL UNITY
AND TERRITORIAL INTEGRITY OF NAMIBIA AND UPHOLD THE INALIENABLE
RIGHT OF THE ENTIRE NAMIBIAN PEOPLE TO ACHIEVE SELF-
DETERMINATION AND INDEPENDENCE AS A SINGLE TERRITORIAL AND
POLITICAL ENTITY,

NOTING WITH REGRET THAT IN DEFIANCE OF THE RESOLUTIONS
OF THE UNITED NATIONS AND THE OPINION OF THE INTERNATIONAL
COURT OF JUSTICE, SOUTH AFRICA CONTINUES TO OCCUPY THE
TERRITORY OF NAMIBIA ILLEGALLY AND TO IMPLEMENT ITS UNLAWFUL
BANTUSTAN OR HOMELAND POLICY AND IN PARTICULAR TO PROPOSE
ELECTIONS AND PURPORT SELF-GOVERNMENT ON A SEPARATE HOMELAND
BASIS IN VIOLATION OF UNITED NATIONS RESOLUTIONS,

REAFFIRMING ITS RES 310 (1972), 301 (1971), AND 264 (1969)
AND GA RES 2325 (XXIII) AND 2248 (S-V), CALLING ON SA TO
WITHDRAW ITS ADMINISTRATION AND OCCUPATION FORCES FROM NAMIBIA,

RECALLING THE ADVISORY OPINION OF THE INTERNATIONAL COURT
OF JUSTICE OF 21 JUNE 1971 THAT SA IS UNDER OBLIGATION
TO WITHDRAW ITS PRESENCE FROM THE TERRITORY,

NOTING THAT SA HAS REFUSED TO WITHDRAW ITS ADMINISTRATION
AND MILITARY AND POLICE FORCES FROM NAMIBIA AND HAS,
INSTEAD, REINFORCED AND STRENGTHENED ITS MILITARY FORCES
IN THE TERRITORY,

REAFFIRMING ITS RES 311 (1972), 246 (1968), AND 245 (1968),
WHICH CALL ON SA TO RELEASE ALL NAMIBIANS IMPRISONED
OR DETAINED AS A RESULT OF THEIR OPPOSITION
TO APARTHEID AND TO REPATRIATE THOSE HELD IN SOUTH AFRICA
UNDER THE TERRORISM ACT,

NOTING THAT, IN VIOLATION OF THE ABOVE-MENTIONED RESOLUTIONS,
NAMIBIANS CONTINUE TO BE IMPRISONED AND DETAINED, MANY OF THEM
IN SOUTH AFRICA, UNDER SO-CALLED INTERNAL SECURITY
LEGISLATION,

NOTING ALSO THAT, IN VIOLATION OF THE UNITED NATIONS CHARTER,
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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND THE
UNITED NATIONS RESOLUTIONS, SOUTH AFRICA CONTINUES TO APPLY
IN NAMIBIA RACIALLY DISCRIMINATORY LAWS AND PRACTICES AS
WELL AS REPRESSIVE LEGISLATION, THEREBY SUBJECTING NAMIBIANS
TO RESTRICTIONS, ARREST, DETENTION, IMPRISONMENT, AND
OTHER PENALTIES, OR THE THREAT THEREOF, AND DENYING THEM THE
RIGHT TO BASIC POLITICAL FREEDOMS, INCLUDING THE RIGHTS OF
FREE SPEECH AND PRESS, ASSEMBLY, PETITION, AND POLITICAL

ORGANIZATION, AND THE RIGHT TO MOVE FREELY THROUGHOUT THEIR OWN COUNTRY BY IMPOSING AN INIQUITOUS SYSTEM OF "PASSES", "INFLUX CONTROL", AND LABOR BUREAUX UPON THEM,

NOTING MOREOVER THAT THE OCCUPATION AUTHORITIES APPLY ILLEGALLY IN THE TERRITORY OTHER SOUTH AFRICAN AND LOCAL LAWS AND PRACTICES IN CONTRAVENTION OF THE UN.N. CHARTER AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,

1. CONDEMNS THE ILLEGAL OCCUPATION OF THE TERRITORY OF NAMIBIA BY SOUTH AFRICA,

2. CONDEMNS THE ILLEGAL AND ARBITRARY APPLICATION BY SOUTH AFRICA OF RACIALLY DISCRIMINATORY LAWS AND PRACTICES AS WELL AS REPRESSIVE LEGISLATION IN NAMIBIA,

3. DEMANDS THAT ALL NAMIBIAN POLITICAL PRISONERS, INCLUDING THOSE BEING HELD ILLEGALLY IN CUSTODY OR DETAINED IN CONNEXION WITH OFFENCES UNDER SO-CALLED INTERNAL SECURITY LAWS, WHETHER SUCH NAMIBIANS HAVE BEEN CHARGED OR TRIED OR ARE HELD WITHOUT CHARGE AND WHETHER HELD IN NAMIBIA OR SOUTH AFRICA, BE RELEASED FORTHWITH,

4. DECLARES AS A NULLITY THE RACIALLY DISCRIMINATORY AND POLITICALLY REPRESSIVE LAWS AND PRACTICES SUCH AS:

(A) SUPPRESSION OF COMMUNISM ACT, NO. 44 OF 1950, AS AMENDED

TERRORISM ACT, NO. 83 OF 1967, AS AMENDED

DEVELOPMENT OF SELF-GOVERNMENT FOR NATIVE NATIONS IN SOUTH WEST AFRICA ACT, NO. 54 OF 1968, AS AMENDED

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NATIVE ADMINISTRATION PROCLAMATION, NO. 15 OF 1928, AS AMENDED

NATIVE (URBAN AREAS) PROCLAMATION, NO. 56 OF 1951, AS AMENDED

ALL EMPLOYMENT BUREAUX REGULATIONS PROCLAMATIONS

REGULATIONS FOR THE ADMINISTRATION OF THE DISTRICT OF OVAMBOLAND PROCLAMATION, NO. R. 17 OF 1972, AS AMENDED;

(B) BANTUSTAN OR HOMELAND SYSTEM,

5. REQUESTS THE UNITED NATIONS SPECIALISED AGENCIES, IN PARTICULAR THE WORLD HEALTH ORGANIZATION (WHO), THE FOOD

AND AGRICULTURE ORGANIZATION (FAO) AND THE UNITED NATIONS
EDUCATIONAL, SCINTIFIC AND CULTURAL ORGANIZATION
(UNESCO), TO UNDERTAKE SUCH RESEARCH, INVESTIGATION,
OPERATIONS AND ACTIVITIES WITHIN NAMIBIA AS MAY BE
REQUESTED BY THE UNITED NATIONS COUNCIL FOR NAMIBIA;

6. INVITES THE SECRETARY-GENERAL AND GOVERNMENTS OF MEMBER
STATES TO ASSIST THE COUNCIL FOR NAMIBIA AND THE
NAMIBIAN PEOPLE TO ESTABLISH A VIABLE ADMINISTRATION IN
THE TERRITORY EXPEDICIOUSLY;

7. DECIDES TO REMAIN SEIZED OF THE MATTER AND TO MEET ON
OR BEFORE 14 MARCH 1975 FOR THE PURPOSE OF REVIEWING SOUTH
AFRICA'S COMPLIANCE WITH THE TERMS OF THE RESOLUTION
AND IN THE EVENT OF NON COMPLIANCE BY SOUTH AFRICA, FOR
THE PURPOSE OF CONSIDERING THE APPROPRIATE MEASURES TO BE
TAKEN UNDER THE CHARTER.

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